

August 29, 2016

The Honorable Tom Wheeler  
The Honorable Mignon Clyburn  
The Honorable Michael O’Rielly  
The Honorable Ajit Pai  
The Honorable Jessica Rosenworcel  
Federal Communications Commission  
Washington, DC 20554

Re: *Business Data Services in an Internet Protocol Environment*, WC Docket No. 16-143; *Special Access Rates for Price Cap Local Exchange Carriers*, WC Docket No. 05-25; *AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-10593

Dear Chairman Wheeler and Commissioners Clyburn, O’Rielly, Pai, and Rosenworcel,

The undersigned nearly one hundred competitive providers of facilities-based business data services and potential entrants urge you to reject any proposal that would hinder the deployment of competitive fiber networks through unwarranted and counterproductive regulation of rates, terms, and conditions offered by our companies. Any such regulation is not supported by the record in the above-referenced proceedings and would risk undermining the deployment of fiber networks which are so essential to the expansion of high-capacity Ethernet services for businesses, anchor institutions, and wireless carriers.

Until recently, the market for business data services was monopolized by incumbent local exchange carriers (ILECs), giving them no incentive to innovate or reduce prices. Faced with this uncompetitive situation, competing facilities-based providers have invested, and are continuing to invest, billions of dollars in private capital to bring competition and its benefits to that market. Because our companies have taken the risk to enter this marketplace (even in rural areas that have been bypassed by providers now advocating massive new regulation), commercial customers and carriers purchasing at wholesale now can access high-performance packet-based services in most areas of the country at prices that are substantially lower than those charged by the ILECs. We provide these sophisticated and demanding customers with features and functionalities, service level assurances, and recurring and non-recurring prices that fit their specific needs. The record in this proceeding is clear that the entry of facilities-based competitors into this marketplace has produced rapidly declining prices, both for our customers and for customers that choose to continue purchasing from the ILECs.

The Commission has played a key role in this successful dynamic. Nearly four decades ago, it adopted a streamlined light-touch regulatory policy for non-incumbents. The Commission understood that competitive providers need to spend enormous amounts of capital to build networks that can compete with ILECs and that regulation of competitors only serves to deter investment by increasing risk and reducing potential returns. We applaud the Commission’s past efforts to drive investment, innovation, and competition in this marketplace. The continued entry

and investment by the undersigned companies is testament to the success of this policy and the benefits it has produced for American businesses.

We therefore urge that the Commission maintain its policy of not regulating the rates, terms, and conditions offered by facilities-based competitors. The Commission has compiled a substantial record in this proceeding, yet there is absolutely no evidence that non-incumbents are harming or could harm business customers. Conversely, should the Commission tax non-incumbents by imposing unwarranted regulation of their rates, terms, and conditions, consumers will be harmed significantly as companies necessarily will slow the deployment of new facilities and the offering of new services. The far better solution is to maintain the current course and undertake new efforts to remove barriers to deployment. We guarantee that will propel investment and consumer choice as it has for the last four decades.

Access Cable Television, Inc.  
Adams Cable Service  
Allens TV  
Antietam Cable Television, Inc.  
Antilles Wireless  
Armstrong  
Atlantic Broadband  
Bay Country Communications  
Big Sandy Broadband, Inc.  
Boycom Cablevision, Inc.  
Braintree Electric Light Department  
Buckeye Broadband & Television  
Cable America Missouri LLC  
Cable Communications of Willsboro, Inc.  
Cable ONE  
Cable Services Inc.  
CableSouth Media III, LLC  
CAP Cable  
City of Bardstown  
City of Monroe  
City of Wadsworth CityLink  
Click! Networks  
Coast Communications  
Columbia Power and Water Systems  
Conterra Broadband Services  
Conway Corporation  
CTV East Alabama  
Eagle Communications  
East Cleveland Cable TV  
Eastern Cable Corp  
Easton Utilities Commission  
Frankfort Plant Board  
Glasgow Electric Plant Board

Golden Valley Cable & Communications  
Haefele TV, Inc.  
Hiawatha Broadband Communications  
Horizon Cable  
Hotwire Communications  
ImOn Communications, LLC  
InfoStructure, Inc.  
Irvine Community Television, Inc.  
Jackson Energy Authority  
Kings Bay Communications  
Kuhn Communications, Inc.  
Laurens Municipal Power & Communications  
Lenox Municipal Cablevision  
Liberty Cablevision of Puerto Rico, LLC  
Lighttower Fiber Networks  
Long Lines  
Lumos Networks  
MCTV  
Mediacom Communications Corporation  
Merrimac Communications Ltd.  
MetroCast Communications  
Midco  
Monmouth Independence Networks  
Morris Communications  
Murray Electric System  
Nittany Media  
Norwood Municipal Light Department  
Orbitel Communications  
Parish Communications  
Pickwick Cable  
Reedsburg Utility Commission  
Reynolds Cable TV, Inc.

Rural West Corporation  
San Bruno Municipal Cable TV  
Savage Communications  
Schurz Communications, Inc.  
SEMO Communications  
Service Electric Cable TV &  
Communications  
Service Electric Cablevision  
Sjoberg's Inc.  
Spencer Municipal Utilities  
Starwest Inc.  
Stowe Communications, LLC  
Suburban Cable  
Tullahoma Utilities Board  
TV Cable of Rensselaer/Morocco  
TV Service Inc. dba TVS Cable  
Unite Private Networks, LLC  
Vast Broadband  
Viking Broadband  
Vyve Broadband  
Watson Cable Company  
Wide Open West  
Wilcon  
WinDBreak Cable  
Wire Tele-View Corporation  
Wyandotte Cable

Cc: Stephanie Weiner  
Claude Aiken  
Amy Bender  
Nicholas Degani  
Travis Litman  
Matthew DelNero  
Madeleine Findley  
Eric Ralph  
Deena Shetler  
Howard Symons